



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

*5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041*

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Baltimore, MD 21227-0000**

**Office of the District Counsel/BAL
31 Hopkins Plaza, 7th Floor
Baltimore, MD 21201**

Name: [REDACTED] [REDACTED]

Date of this notice: 6/3/2009

Enclosed is a copy of the Board's decision and order in the above-referenced case.

Sincerely,

Donna Carr

Donna Carr
Chief Clerk

Enclosure

Panel Members:

Filppu, Lauri S.
Greer, Anne J.
Pauley, Roger

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AS



U.S. Department of Justice

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**Office of the District Counsel/BAL
31 Hopkins Plaza, 7th Floor
Baltimore, MD 21201**

Name: [REDACTED]

[REDACTED]

Date of this notice: 6/3/2009

Enclosed is a copy of the Board's decision in the above-referenced case. This copy is being provided to you as a courtesy. Your attorney or representative has been served with this decision pursuant to 8 C.F.R. § 1292.5(a). If the attached decision orders that you be removed from the United States or affirms an Immigration Judge's decision ordering that you be removed, any petition for review of the attached decision must be filed with and received by the appropriate court of appeals within 30 days of the date of the decision.

Sincerely,

Donna Carr

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Chief Clerk

Enclosure

Panel Members:

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Greer, Anne J.
Pauley, Roger

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U.S. Department of Justice
Executive Office for Immigration Review

Decision of the Board of Immigration Appeals

Falls Church, Virginia 22041

File: [REDACTED] - Baltimore, MD

Date: JUN 03 2009

In re: [REDACTED] a.k.a. [REDACTED] a.k.a. [REDACTED]

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Timothy W. Davis, Esquire

ON BEHALF OF DHS: Billy J. Sapp
Senior Attorney

CHARGE:

Notice: Sec. 237(a)(2)(A)(iii), I&N Act [8 U.S.C. § 1227(a)(2)(A)(iii)] -
Convicted of aggravated felony

APPLICATION: Reinstatement of removal proceedings

The Immigration Judge, in a November 20, 2008, decision, after finding the respondent removable pursuant to section 237(a)(2)(A)(iii) of the Immigration and Nationality Act, 8 U.S.C. § 1227(a)(2)(A)(iii), as an alien convicted of a crime of violence aggravated felony on the basis of his 2005 Maryland conviction for second degree assault, found that his 2005 Maryland conviction for manslaughter was not a crime of violence aggravated felony. The Immigration Judge then concluded that the respondent lacked sufficient ability to consult with his counsel and did not have an understanding of the proceedings (I.J. at 7-8), and terminated the proceedings without prejudice. The Department of Homeland Security (the DHS) appeals from the Immigration Judge's determination that the respondent's conviction for manslaughter was not a crime of violence, and his termination of proceedings without prejudice. The respondent appeals from the Immigration Judge's determination that his conviction for second degree assault was a crime of violence. The DHS's appeal will be sustained; the respondent's appeal will be dismissed as moot; the Immigration Judge's decision will be vacated in part; the removal proceedings will be reinstated; and the record will be remanded to the Immigration Judge for further proceedings.

On appeal the DHS argues that the Immigration Judge erred in finding that the respondent's Maryland manslaughter conviction was not a crime of violence. The DHS asserts that the Immigration Judge also erred in terminating proceedings by concluding that the respondent lacked sufficient ability to consult with his counsel and did not have an understanding of the proceedings. It is contended that the fact that the respondent has been declared mentally incompetent does not provide a legal basis for termination.

[REDACTED]

The respondent argues on appeal that, as voluntary manslaughter and involuntary manslaughter are separate offenses rather than divisible offenses, the categorical and modified categorical approaches are not for application. He contends that the DHS must offer specific evidence as to which of the two distinct offenses was committed. The respondent further argues that, as he was originally charged with murder, but pled down to the lesser included offense of manslaughter, the facts of the case do not necessarily support the charge pled to. He asserts that he was not convicted of a crime of violence as involuntary manslaughter is a crime that may be committed by a failure to act and, by its nature, does not involve a substantial risk that physical force against the person or property of another may be used in the course of committing the offense, or that has, as an element, the use, attempted use, or threatened use of physical force against the person or property of another.

In March 2005, the respondent was convicted in the Circuit Court for Montgomery County, Maryland, of the offense of manslaughter, in violation of Maryland common law for which he was sentenced to a 10-year term of imprisonment; and of the offense of second degree assault in violation of MD. CODE ANN., CRIMINAL LAW § 3-203, for which he was sentenced to a 5-year term of imprisonment. The terms of imprisonment were to run concurrently. The Immigration Judge found that the DHS had not proven, by clear and convincing evidence, that, by reason of his manslaughter conviction, the respondent was removable as an alien convicted of an aggravated felony, specifically for having been convicted of a crime of violence under 18 U.S.C. § 16,¹ for which a term of imprisonment of at least 1 year was imposed—an aggravated felony under section 101(a)(43)(F) of the Act, 8 U.S.C. § 1101(a)(43)(F). We disagree.

While the respondent argues that voluntary and involuntary manslaughter are separate offenses under Maryland law, based upon the relevant, statutory provision, and the holdings of the Maryland courts, we conclude otherwise. Under MD. CODE ANN., CRIMINAL LAW § 2-207, a person who commits manslaughter is guilty of a felony and on conviction is subject to: (1) imprisonment not exceeding 10 years; or (2) imprisonment in a local correctional facility not exceeding 2 years or a fine not exceeding \$500 or both. “‘Manslaughter’ is a common-law offense and a felony; it may be voluntary or involuntary, depending upon the requisite intent, and since the crime is not defined by statute, it is afforded its common-law meaning.” *Maryland v. Gibson*, 242 A.2d 575, 578 (Md. App. 1968). In *Selby v. Maryland*, 761 A.2d 335, 342 (Md. 2000), the court further defined the Maryland common law offense of manslaughter:

We have defined voluntary manslaughter as “an intentional homicide, done in a sudden heat of passion, caused by adequate provocation, before there has been a reasonable opportunity for the passion to cool.” (citations omitted). Involuntary

¹ Under 18 U.S.C. § 16, the term “crime of violence” means either “(a) an offense that has an element the use, attempted use, or threatened use of physical force against the person or property of another, or (b) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.”

manslaughter, on the other hand, has been defined as an “unintentional killing done without malice, by doing some unlawful act endangering life, or in negligently doing some act lawful in itself, or by the negligent omission to perform a legal duty.” (Citations omitted). The central element that distinguishes voluntary manslaughter from involuntary manslaughter, therefore, is that intent to kill is an element of the former, but not of the latter.

Moreover, the Maryland court has found that voluntary manslaughter requires a *specific* intent to kill. Even though this intent is not malicious, the court has concluded that a specific intent to kill is greater and necessarily subsumes a specific intent to do bodily harm, even where the latter intent is malicious. *See Dixon v. State*, 772 A.2d 283, 303 (Md. 2001). The foregoing authorities establish that voluntary manslaughter under Maryland law occurs only when a person acts with the specific intent to kill. As noted in our decision in *Vargas v. INS*, 23 I&N Dec. 651 (BIA 2004), which interpreted a New York statute for manslaughter in the first degree, “there is a material difference between the risk that force will be used in committing an offense and the risk that physical injury will result . . .” *Id.* at 652. However, in distinguishing United States Court of Appeals for the Second Circuit precedent involving *second-degree* manslaughter, which only requires a *mens rea* element of recklessness, first degree manslaughter under New York law requires “proof of intent to cause serious physical injury or death.” *Id.* Therefore, we held under these circumstances that “a crime that involves intentional conduct that is designed to result in serious physical injury to, or the death of, another person, and which does result in death, ‘by its nature, involves a *substantial risk* that physical force against the person or property of another *may be used* in the course of committing the offense.’” *Id.*, quoting 18 U.S.C. § 16(b).

In *Leocal v. Ashcroft*, 543 U.S. 1 (2004), the Supreme Court elucidated the meaning of 18 U.S.C. § 16(b), holding that it

covers offenses that naturally involve a person acting in disregard of the risk that physical force might be used against another in committing an offense. The reckless disregard in § 16(b) relates *not* [emphasis in original] to the general conduct or to the possibility that harm will result from a person's conduct, but to the risk that the use of physical force against another might be required in committing a crime. The classic example is burglary. A burglary would be covered under § 16(b) *not* because the offense can be committed in a generally reckless way or because someone may be injured, but because burglary, by its nature, involves a substantial risk that the burglar will use force against a victim in *completing* [emphasis added] the crime.

Leocal v. Ashcroft, *supra*, at 10.

Having examined the relevant statutory and case law, we find that the state statute under which the respondent has been convicted is divisible. As voluntary manslaughter, an intentional homicide involving a specific intent to kill, is a crime of violence, but involuntary manslaughter, which may be either the result of doing some unlawful act endangering life or mere negligence, is not always a crime of violence, it is necessary to look to the record of conviction, and other documents

admissible as evidence in proving a criminal conviction, to determine whether the specific offense of which the alien was convicted constitutes a crime of violence. *See Matter of Sweetser*, 22 I&N Dec. 709, 715 (BIA 1999); *see also Matter of Velazquez-Herrera*, 24 I&N Dec. 503 (BIA 2008) (in determining nature of "convicted conduct," inquiry is confined to statutory definition of offense and admissible portions of conviction record). When a state statute is categorically overbroad, the Fourth Circuit, the jurisdiction in which this matter arises, has similarly looked to the terms of the charging document, the plea agreement, or some comparable judicial record revealing the factual basis for the plea, to determine whether the defendant's conduct qualified as a crime of violence. *See United States v. Diaz-Ibarra*, 522 F.3d 343 (4th Cir. 2008). When looking beyond the fact of conviction in this manner, an adjudicator is authorized to consult "the terms of the charging document, the terms of a plea agreement or transcript of colloquy between judge and defendant in which the factual basis for the plea was confirmed by the defendant, or to some comparable judicial record of this information." *Shepard v. United States*, 544 U.S. 13, 26 (2005).

Here the record of conviction includes an amended criminal information, and the court docket. The original criminal information charged the respondent, in Count One, with "Murder - Second Degree." The respondent was specifically alleged to have "feloniously, willfully, deliberately, and with malice kill and murder [the victim], in violation of the Common Law and against the peace, government and dignity of the State (Murder - 2nd Degree, Common Law)." The criminal information was indicated to have been amended on February 28, 2005. Count One was amended so that the charge was reflected as "Manslaughter", the word "feloniously" was struck and replaced with "commit" and, at the conclusion of Count One the words "Murder - 2nd Degree" were again struck and replaced with "Manslaughter." The court docket reflects that, on March 10, 2005, the respondent withdrew his plea of not guilty, and entered a plea of guilty to Count One of the Indictment as amended. The respondent, as he was convicted of the offense of manslaughter by willfully, and deliberately and with malice, killing his victim, was convicted of voluntary manslaughter. Such a killing, which was willful and deliberate, was committed by the respondent who, aware of the risk of harm, had the requisite intent to do the act which caused the death; we find that he acted in disregard of the substantial risk of the use of physical force against the victim in completing the crime. Based on the information contained in the record, the respondent's 2005 manslaughter conviction was for a "crime of violence" under 18 U.S.C. § 16(b) and section 101(a)(43)(F) of the Act. Accordingly, as we agree with the DHS that the respondent, by reason of his 2005 manslaughter conviction, is removable as an alien convicted of an aggravated felony under section 237(a)(2)(A)(iii) of the Act, the Immigration Judge's determination will be reversed.

We next turn to the DHS argument that the Immigration Judge erred in terminating proceedings by concluding that the respondent lacked sufficient ability to consult with his counsel and did not have an understanding of the proceedings. The DHS had initiated removal proceedings against the respondent on February 20, 2008, by filing a Notice to Appear (NTA) with the Immigration Court, charging him with removability as an alien convicted of an aggravated felony. At a hearing conducted in August 2008 the respondent's counsel declined to plead to the allegations or the charges of removability in the NTA, indicating that he had been receiving conflicting directions from the respondent (Tr. at 118). Similarly, the respondent's counsel declined to seek any remedy, again indicating that he had been receiving conflicting directions from the respondent (Tr. at 129). A

report of a psychological evaluation (Gp. Exh. 3), submitted to the court on October 2, 2008, an evaluation which the Immigration Judge had directed the DHS to conduct (Tr. at 54), reflects that the respondent "lacks sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding and does not have a rational as well as factual understanding of the proceedings against him." At the October 2, 2008, hearing, with several of the respondent's family members and his counsel appearing with the respondent, the Immigration Judge indicated that the respondent had admitted to two of the allegations, but noted that he had struck the respondent's plea to the charge of removability (Tr. at 185). As noted above, the Immigration Judge found the respondent removable but terminated the proceedings without prejudice, concluding that the respondent lacked sufficient ability to consult with his counsel and did not have an understanding of the proceedings. We will reverse the Immigration Judge's determination to terminate the proceedings.

We note that, after the commencement of proceedings, for cancellation of a notice to appear, the DHS may move to dismiss a removal proceeding pursuant to 8 C.F.R. § 1239.2(c) or affirmatively agree to and join a motion to terminate filed by an alien. An Immigration Judge, pursuant to 8 C.F.R. § 1239.2(f), may terminate removal proceedings to permit the alien to proceed to a final hearing on a pending application or petition for naturalization when the alien has established *prima facie* eligibility for naturalization and the matter involves exceptionally appealing or humanitarian factors; in every other case, the removal hearing shall be completed as promptly as possible notwithstanding the pendency of an application for naturalization during any state of the proceedings. However, the instant case involves neither a pending application or petition for naturalization, nor a motion to terminate initiated, or agreed to, by the DHS.

The Immigration and Nationality Act contemplates that removal proceedings may be held against mentally incompetent aliens, *see Brue v. Gonzales*, 464 F.3d 1227, 1232-33 (10th Cir. 2006); *Nee Hao Wong v. INS*, 550 F.2d 521, 523 (9th Cir. 1977), subject to the requirement that the Attorney General "prescribe safeguards to protect the rights and privileges of the alien." *See* section 240(b)(3) of the Act, 8 U.S.C. § 1229a(b)(3). Pursuant to this statutory directive, regulations have been promulgated to ensure that mentally incompetent aliens are adequately represented during their removal proceedings. *See* 8 C.F.R. § 1240.4; *Munoz-Monsalve v. Mukasey*, 551 F.3d 1 (1st Cir. 2008). The respondent's accredited representative appeared on his behalf at all merits hearings before the Immigration Judge and his family appeared at one of the merits hearings as well. Under the circumstances, we conclude that the prescribed safeguards were put in place and that the respondent's hearing, procedurally, satisfied the requirements of due process and 8 C.F.R. § 1240.4, *Brue v. Gonzales*, *supra*; *Nee Hao Wong v. INS*, *supra*. Therefore, the Immigration Judge acted prematurely and erroneously in terminating these proceedings.

Accordingly, the DHS' appeal will be sustained; the respondent's appeal will be dismissed as moot; the Immigration Judge's November 20, 2008, determination that the respondent is not removable as an alien convicted of an aggravated felony on the basis of his March 2005 manslaughter conviction will be vacated; the Immigration Judge's decision terminating the proceedings will be vacated; the removal proceedings will be reinstated; and the record will be remanded for further proceedings, including, if appropriate, a determination whether the respondent

[REDACTED]

should be granted any form of relief from removal. Based upon our disposition of this matter, we need not address the remaining issues presented on appeal.

The following orders shall be issued.

ORDER: The DHS' appeal is sustained.

FURTHER ORDER: The respondent's appeal is dismissed as moot.

FURTHER ORDER: The Immigration Judge's November 20, 2008, determination that the respondent is not removable as an alien convicted of an aggravated felony on the basis of his March 2005 manslaughter conviction is vacated; the Immigration Judge's decision to terminate the proceedings is vacated; and the removal proceedings are reinstated.

FURTHER ORDER: The record is remanded to the Immigration Judge for further proceedings consistent with the foregoing decision.



FOR THE BOARD

U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT

Baltimore, Maryland

File [REDACTED]

Date: November 20, 2008

In the Matter of

[REDACTED]

Respondent

)
)
)
)

IN REMOVAL PROCEEDINGS

CHARGES: Section 237(a)(2)(A)(iii) of the Immigration
and Nationality Act - aggravated felony
conviction for a crime of violence under
Section 101(a)(43)(f)

APPLICATION: Termination of Proceedings

APPEARANCES:

ON BEHALF OF RESPONDENT:

ON BEHALF OF THE DEPARTMENT
OF HOMELAND SECURITY

Timothy Davis, Esquire

Billy J. Sapp, Esquire

ORAL DECISION OF THE IMMIGRATION JUDGE

The Respondent appears before the United States
Immigration Court at Baltimore this date for disposition in his
removal proceedings. The Court has now considered all testimony
and evidence presented to include the legal arguments presented by

the parties in their legal briefs. The decision and order of this Court follows.

STATEMENT OF THE CASE

Based upon the representations that have been made by the Respondent to the Court, based upon, more significantly, the documents that have been filed with the Court, by the Department of Homeland Security, to wit, the Government's Group Exhibit 1 at sub-Exhibits A and B, the Court makes the following findings: that the Respondent is not a citizen of the United States; that his nationality and citizenship is unknown as this has not been adequately addressed by the parties; the Respondent was born in a refugee camp in Thailand of Cambodian parents, and came to the United States as a Cambodian refugee. It is unclear, and the evidence does not establish, that a refugee child, born in a refugee camp in Thailand, is a citizen of that nation. Nor does the record establish that a child born in a foreign land, in a refugee camp, of parents who are Cambodian would have the right to citizenship in Cambodia.

The Court finds based upon the evidence that the Respondent was in fact admitted into the United States at New York, on [REDACTED], 1981, as an infant and as a refugee with his family. The evidence further supports that his status was adjusted to that of a lawful permanent resident of the United States by memorandum on [REDACTED], 1983, under Section 209 of the Immigration and Nationality Act, the section of law that

permits a refugee to become a permanent resident a year after entry as a refugee.

The Records of Conviction that are before the Court establish that this Respondent was, on the [REDACTED] day of March in the year 2005, convicted in the Circuit Court of Montgomery County, Maryland, for the offense of Manslaughter, in violation of Common Law of the State of Maryland; and for the offense of Assault in the Second Degree, in violation of Section 3-203 of the Annotated Code of Maryland. The Record of Conviction also establishes that for the conviction of manslaughter, the Respondent was sentenced to a term of imprisonment for 10 years; and for the assault, a term of imprisonment of five years. These constitute the findings of the Court, as to the facts of the case.

The issue before the Court is an issue of law, whether or not the Respondent is subject to being removed as an aggravated felon for having been convicted of a crime of violence because of a manslaughter conviction, and also whether or not he's subject to removal and deportation for having been convicted of an aggravated felony, crime of violence, under second degree assault in the State of Maryland. Further at issue, if the Respondent is subject to removal and deportation, where the Government of the United States would remove and deport him to, as his citizenship has not been established in the record. The final issue before the Court is whether or not these proceedings are currently proper, given the doctor's evaluation of the Respondent, as required by the

Court.

STATEMENT OF THE LAW AND FINDINGS OF THE COURT

The Respondent in this case argues that his conviction of second degree assault does not constitute a crime of violence. Additionally, the Respondent argues that involuntary manslaughter is not a crime of violence and that the Department of Homeland Security has not proven that the Respondent has committed voluntary manslaughter. Conversely, the Department of Homeland Security argues that Maryland's Second-Degree Assault Statute is categorically a crime of violence, as it is not divisible. The Respondent disagrees and argues that, clearly, second-degree assault in Maryland is a statute of divisibility. Specifically, the Respondent argues that the statute does not require the intentional employment of physical force. The Court finds that this is correct. Assault can be an intentional battery, an unintentional battery, an attempted battery, or an attempt to frighten, assault. However, the Respondent cites the Maryland Jury Pattern Instructions, at Section 4:01C, as the definition of battery. In that instruction, battery can be committed by either an intentional or a reckless act. The Respondent then would conclude that it cannot be demonstrated that the Respondent acted with mens rea greater than recklessness. This conclusion defeats the point of performing a modified categorical analysis, the purpose of which is to determine whether an underlying conviction, under a divisible statute, meets the definition of a crime of

violence. If the Court were to accept the jury instruction as the definition of assault, the Court would still have to look at the Record of Conviction to determine whether the offenses qualify as a crime of violence because the definition is divisible. Further, and more importantly, the Pattern Jury Instructions do not define the elements of assault. The common law does. Based upon the Record of Conviction, the Court could just as easily say that the defendant was convicted of an intentional battery, defined by the common law as "the unjustified offense and non-consequential application of force, by direct or indirect physical contact, to the person of another, or an extension of that person, for example, the clothing of that person. See Epps v. State of Maryland, (1993); Snowden v. State of Maryland, (1991); Taylor v. State of Maryland, (1982); Woods v. State of Maryland, Appeal (1972). To be convicted of committing an intentional battery, there must be sufficient proof that the defendant intended to cause harmful or offensive contact against a person without that person's consent and without legal justification. See Elias v. State of Maryland, (1995). If we use the definition defined by the common law, and not by a permissive jury instruction, it is clear that the Respondent committed an offense, which has as an element the use, attempted use, or threatened use of force.

With respect to the charge that the Respondent is an aggravated felon for the manslaughter conviction this must be disposed in favor of the Respondent, for the Department of

Homeland Security fails to acknowledge unintentional battery in its definition of assault. Second, there is case law suggesting that the statute, in fact, is divisible. As a result, the Court finds that the Government has failed to estimate clear and convincing evidence that the common law conviction of manslaughter would constitute a crime of violence under criminal legal analysis. With respect to the aggravated felony charge of a crime of violence for Assault in the Second Degree, the record reflects that it is clear that the Respondent committed an offense, which has as an element the use, attempted use, or threatened use of force. Thus, with this finding, the Court finds that second degree assault, for which the Respondent stands convicted, constitutes a crime of violence. The Respondent has been sentenced to more than a year. As a result, the crime of violence is an aggravated felony, and renders the Respondent subject to removal. In reaching this conclusion, the Court has reviewed the crime of violence, as defined under 18 U.S.C. Section 16, and the Board of Immigration Appeals' precedent decision of Matter of Swietzer. It has also reviewed the Supreme Court decision in Leocal v. Ashcroft, holding that the State's DUI offenses, which either do not have a mens rea component, or require only a showing of negligence in the operation of a vehicle, would not constitute crimes of violence. The Court then finds that the Respondent is an aggravated felon for the offense of second degree assault.

It should be noted that the Department of Homeland


Security lists two factual allegations but only one charge. More properly, if the Government believes that both convictions constitute aggravated felonies as crime of violence, it is appropriate to lodge two charges. Having made these findings, however, the Court will dismiss these proceedings against the Respondent this date based upon Government's Group 3, at sub-Exhibit A, which is a psychological report. This psychological report concludes, as follows: Under "Statement of Findings, Competency To Stand Trial", the report recommends, "Mr. Sovannary lacks sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding and does not have a rational as well as factual understanding of the proceedings against him." The proceedings against him, of course, are these Immigration Court proceedings. The recommendation of Dr. Witczak is that Mr. Sovannary will benefit from taking psychotropic medication regularly to address his mood instability, including his hyper-talkativeness, argumentativeness, as well as paranoia. The regulations require that the Court make a determination of whether or not an individual understands and comprehends the nature of these proceedings, and whether or not he can engage and participate in his proceedings. The Immigration laws permit the Respondent to be represented by counsel, and to seek the advice of counsel, and to have counsel present his case. Because the psychiatric report indicates that the Respondent lacks sufficient present ability to consult with his lawyer, with a reasonable

degree of rational understanding, and also concludes that he does not have rational as well as factual understanding of these exact proceedings, he cannot proceed currently before the Immigration Court.

Accordingly, as the regulations are not satisfied, these proceedings may not go further. The findings of the Court, regarding the conviction and the aggravated felony disposition, are based upon an evidentiary record, and they are not based upon any testimony by the Respondent, or any independent witnesses.

ORDER

IT IS HEREBY ORDERED, accordingly at this time, based upon the Court's findings, I terminate these removal proceedings, without prejudice.



JOHN F. GOSSART JR.,
Immigration Judge

CERTIFICATE PAGE

I hereby certify that the attached proceeding before
JOHN F. GOSSART JR., in the matter of:

[REDACTED]

[REDACTED]

Baltimore, Maryland

was held as herein appears, and that this is the original
transcript thereof for the file of the Executive Office for
Immigration Review.

Deborah K. Klapaska

Deborah K. Klapaska, Transcriber

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January 5, 2009

Completion Date

dkk/ccb